

Appl. No. 10/750,586
Amdt. dated JUNE 14, 2006
Reply to Final Office Action of February 14, 2006

REMARKS

Applicants have carefully reviewed the Final Office Action mailed on February 14, 2006 and the Advisory Action mailed April 27, 2006. Applicants respectfully traverse all objections, rejections and assertions made by the Examiner. With this Amendment and Request for Continued Examination, claims 1, 7, 12, 19, 24, and 25 are amended. Claims 28-29 are newly presented. No new matter is added. Please cancel claim 11 without prejudice. Claims 1-10, 12-25, and 28-29 remain pending.

In the Examiner's Notes section on page 2 of the Office Action, the Examiner indicated that the phrase "a polymer blend shaft comprising:" is not necessary because the limitation "including a polymer blend shaft" is recited in line 1 of the claim. Consequently, Applicants have deleted the phrase "a polymer blend shaft comprising:" from claim 1. The later limitation was added in the previous reply filed October 12, 2005.

Claims 1-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. in EP 1 068 876 A2 in view of Utsumi et al. in U.S. Patent No. 5,258,160. Please note that claim 11 is now cancelled. Regarding claims 1-10 and 12-23, independent claims 1, 7, 12, and 19 are all amended to recite that the proximal portion includes about 91 to about 95 weight % polyoxymethylene and that proximal portion/section includes about 5 to about 9 weight % polyether polyester. Ito et al. disclose that the *maximum* ratio of first linear member 51 to second linear member 52 is 1:0.1 (which, in weight %, is equal to 90.9% to 9.1%). Ito et al. at column 10, paragraphs [0054]-[0055]. The weight percents for the claimed proximal portions all have a *minimum* of 91 weight % polyoxymethylene (or a ratio of 91:9 or about 1:0.099, which is outside the range disclosed by Ito et al.). Based on this difference, Applicants respectfully submit that amended claims 1, 7, 12, and 19 are distinguishable from Ito et al. Utsumi et al. fail

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to cure this defect. Therefore, amended claims 1, 7, 12, and 19 are all believed to be in condition for allowance. Because claims 2-6 depend from claim 1, claims 8-10 depend from claim 7, claims 13-18 depend from claim 12, and claims 20-23 depend from claim 19, these claims are also allowable based on these amendments and because they add significant elements to distinguish them further from the art.

Regarding claims 24 and 25, these claims are similarly amended to recite that the proximal section includes about 91 to about 95 weight % polyoxymethylene. Regardless of what other material is utilized in the proximal sections, the ratio of polyoxymethylene to the other material(s) is outside the ranges disclosed by Itou et al. Utsumi et al. fail to cure this defect. Therefore, amended claims 24 and 25 are believed to be in condition for allowance.

Please note that the Examiner indicated in the Advisory Action that changing the range of the weight-% of polyoxymethylene in the proximal section is not supported by the specification. Applicants respectfully disagree. For example, at page 5, lines 20-21 the specification clearly indicates that the proximal section can have "about 80 to about 95 weight % polyoxymethylene". This covers the ranges recited in the claims. The Examiner, however, also indicated that "Applicant has now attempted to carve out a patentable portion without adequate support in the specification for the specific narrower range [of polyoxymethylene recited in the claims]". Applicants respectfully disagree. The MPEP indicates that "[w]ith respect to changing a numerical range limitation, the analysis must take into account which ranges one skilled in the art would consider inherently supported by the discussion in the original disclosure." MPEP §2163.05 III. For example, the decision in In re Wertheim, which is cited in MPEP §2163.05 III, indicated that amending a claim to recite a range of "between 35% and 60%" was supported by a specification that recited a range of "25%-60%". In re Wertheim, 541 F.2d 257 (CCPA 1976).

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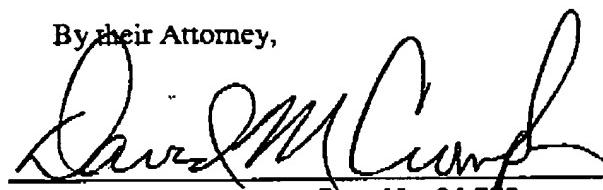
Claims 1, 7, 12, 19, 24 and 25 are all amended in precisely the same manner as those in In re Wertheim. Accordingly, absent a showing by the Examiner that one skilled in the art would not consider the claimed range supported by the original specification, Applicants respectfully submit that the ranges recited in these claims are supported by the specification. Therefore, Applicants respectfully submit that the written description requirement under 35 U.S.C. §112 is met and that these claims do not raise issues of new matter.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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